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***UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA***

**-oOo-**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES SCOTT ALVA,

Defendant.

**2:14-cr-023-GMN-NJK**

MOTION TO CONTINUE  
GOVERNMENT'S DEADLINE TO  
RESPOND TO DEFENDANT'S  
MOTION TO SUPPRESS

The United States of America, by and through Daniel G. Bogden, United States Attorney, and Amber M. Craig, Assistant United States Attorney, respectfully moves this Court to continue the Government's deadline to respond to the Defendant's Motion to Suppress, currently scheduled for October 24, 2014, for thirty days, or to a date and time to be set at the Court's convenience.

This motion is based on the following:

1. The parties were involved in plea negotiations that would have rendered the Motion moot. However, pretrial developments occurred that halted plea negotiations, including Ms. Weksler's pending motion to withdraw as counsel, and Pretrial Services' advising the parties that a petition to revoke the Defendant's pretrial release will be filed shortly. As such, the Government requests additional time to respond to the Motion.

2. Due to the pending motion to withdraw, defense counsel was unable to agree to a continuance of the Government's response deadline.



**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

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**2:14-cr-023-GMN-NJK**

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER**

**FINDINGS OF FACT**

Based upon the pending motion of counsel, and good cause appearing therefore, the Court finds that:

1. The parties were involved in plea negotiations that would have rendered the Defendant's Motion to Suppress moot. However, pretrial developments occurred that halted plea negotiations, including Ms. Weksler's pending motion to withdraw as counsel, and Pretrial Services' advising the parties that a petition to revoke the Defendant's pretrial release will be filed shortly. As such, the Government requests additional time to respond to the Motion.

2. The additional time requested by this Motion is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the

1 exercise of due diligence.

2 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United  
3 States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

4 **ORDER**

5 IT IS THEREFORE ORDERED that the Government's deadline to respond to the  
6 Defendant's Motion to Suppress, currently scheduled for October 24, 2014, be vacated and  
7 continued to the <sup>24th</sup> day of November, 2014.

8 DATED this 20th day of October, 2014.

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12 HONORABLE NANCY J. KOPPE  
13 UNITED STATES MAGISTRATE JUDGE  
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